



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2442

Introduced 02/17/05, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-203	from Ch. 95 1/2, par. 4-203
625 ILCS 5/18a-200	from Ch. 95 1/2, par. 18a-200
625 ILCS 5/18a-300	from Ch. 95 1/2, par. 18a-300
625 ILCS 5/18a-402.1 new	
625 ILCS 5/18a-402 rep.	from Ch. 95 1/2, par. 18a-402
770 ILCS 50/1	from Ch. 82, par. 47a

Amends the Illinois Vehicle Code and makes a corresponding change in the Labor and Storage Lien (Small Amount) Act. Provides that vehicles that are towed or relocated at the request of the owner or operator (as well as those towed or relocated because they are abandoned, lost, stolen, or unclaimed) are subject to a lien under the Labor and Storage Lien (Small Amount) Act. Provides that the provisions of that Act regarding the maximum amount of the lien do not apply to liens covered by the Vehicle Code provision. Provides that with certain enumerated exceptions, personal property in a vehicle subject to a lien under the Code provision is also subject to that lien. Limits the amounts of liens under the provision. Provides that the Illinois Commerce Commission shall set reasonable rates for the use of a credit card by a person whose vehicle has been towed by a commercial vehicle relocater. Deletes language providing that a commercial vehicle relocater may not charge the owner or operator of a relocated vehicle an additional fee for use of a credit card. Provides that it is a violation of the Code for a commercial vehicle relocater in a county with a population of more than 2,000,000 to fail to make relocated vehicles available to their owners or operators 24 hours per day, 7 days per week, and 52 weeks per year. Provides for expedited transfer of a vehicle relocater's license under specified conditions, in specified circumstances. Repeals a provision providing that a relocater's license is not transferable. Effective immediately.

LRB094 10728 DRH 41136 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 4-203, 18a-200, and 18a-300 and by adding Section
6 18a-402.1 as follows:

7 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

8 Sec. 4-203. Removal of motor vehicles or other vehicles;
9 Towing or hauling away.

10 (a) When a vehicle is abandoned, or left unattended, on a
11 toll highway, interstate highway, or expressway for 2 hours or
12 more, its removal by a towing service may be authorized by a
13 law enforcement agency having jurisdiction.

14 (b) When a vehicle is abandoned on a highway in an urban
15 district 10 hours or more, its removal by a towing service may
16 be authorized by a law enforcement agency having jurisdiction.

17 (c) When a vehicle is abandoned or left unattended on a
18 highway other than a toll highway, interstate highway, or
19 expressway, outside of an urban district for 24 hours or more,
20 its removal by a towing service may be authorized by a law
21 enforcement agency having jurisdiction.

22 (d) When an abandoned, unattended, wrecked, burned or
23 partially dismantled vehicle is creating a traffic hazard
24 because of its position in relation to the highway or its
25 physical appearance is causing the impeding of traffic, its
26 immediate removal from the highway or private property adjacent
27 to the highway by a towing service may be authorized by a law
28 enforcement agency having jurisdiction.

29 (e) Whenever a peace officer reasonably believes that a
30 person under arrest for a violation of Section 11-501 of this
31 Code or a similar provision of a local ordinance is likely,
32 upon release, to commit a subsequent violation of Section

1 11-501, or a similar provision of a local ordinance, the
2 arresting officer shall have the vehicle which the person was
3 operating at the time of the arrest impounded for a period of
4 not more than 12 hours after the time of arrest. However, such
5 vehicle may be released by the arresting law enforcement agency
6 prior to the end of the impoundment period if:

7 (1) the vehicle was not owned by the person under
8 arrest, and the lawful owner requesting such release
9 possesses a valid operator's license, proof of ownership,
10 and would not, as determined by the arresting law
11 enforcement agency, indicate a lack of ability to operate a
12 motor vehicle in a safe manner, or who would otherwise, by
13 operating such motor vehicle, be in violation of this Code;
14 or

15 (2) the vehicle is owned by the person under arrest,
16 and the person under arrest gives permission to another
17 person to operate such vehicle, provided however, that the
18 other person possesses a valid operator's license and would
19 not, as determined by the arresting law enforcement agency,
20 indicate a lack of ability to operate a motor vehicle in a
21 safe manner or who would otherwise, by operating such motor
22 vehicle, be in violation of this Code.

23 (e-5) Whenever a registered owner of a vehicle is taken
24 into custody for operating the vehicle in violation of Section
25 11-501 of this Code or a similar provision of a local ordinance
26 or Section 6-303 of this Code, a law enforcement officer may
27 have the vehicle immediately impounded for a period not less
28 than:

29 (1) 24 hours for a second violation of Section 11-501
30 of this Code or a similar provision of a local ordinance or
31 Section 6-303 of this Code or a combination of these
32 offenses; or

33 (2) 48 hours for a third violation of Section 11-501 of
34 this Code or a similar provision of a local ordinance or
35 Section 6-303 of this Code or a combination of these
36 offenses.

1 The vehicle may be released sooner if the vehicle is owned
2 by the person under arrest and the person under arrest gives
3 permission to another person to operate the vehicle and that
4 other person possesses a valid operator's license and would
5 not, as determined by the arresting law enforcement agency,
6 indicate a lack of ability to operate a motor vehicle in a safe
7 manner or would otherwise, by operating the motor vehicle, be
8 in violation of this Code.

9 (f) Except as provided in Chapter 18a of this Code, the
10 owner or lessor of privately owned real property within this
11 State, or any person authorized by such owner or lessor, or any
12 law enforcement agency in the case of publicly owned real
13 property may cause any motor vehicle abandoned or left
14 unattended upon such property without permission to be removed
15 by a towing service without liability for the costs of removal,
16 transportation or storage or damage caused by such removal,
17 transportation or storage. The towing or removal of any vehicle
18 from private property without the consent of the registered
19 owner or other legally authorized person in control of the
20 vehicle is subject to compliance with the following conditions
21 and restrictions:

22 1. Any towed or removed vehicle must be stored at the
23 site of the towing service's place of business. The site
24 must be open during business hours, and for the purpose of
25 redemption of vehicles, during the time that the person or
26 firm towing such vehicle is open for towing purposes.

27 2. The towing service shall within 30 minutes of
28 completion of such towing or removal, notify the law
29 enforcement agency having jurisdiction of such towing or
30 removal, and the make, model, color and license plate
31 number of the vehicle, and shall obtain and record the name
32 of the person at the law enforcement agency to whom such
33 information was reported.

34 3. If the registered owner or legally authorized person
35 entitled to possession of the vehicle shall arrive at the
36 scene prior to actual removal or towing of the vehicle, the

1 vehicle shall be disconnected from the tow truck and that
2 person shall be allowed to remove the vehicle without
3 interference, upon the payment of a reasonable service fee
4 of not more than one half the posted rate of the towing
5 service as provided in paragraph 6 of this subsection, for
6 which a receipt shall be given.

7 4. The rebate or payment of money or any other valuable
8 consideration from the towing service or its owners,
9 managers or employees to the owners or operators of the
10 premises from which the vehicles are towed or removed, for
11 the privilege of removing or towing those vehicles, is
12 prohibited. Any individual who violates this paragraph
13 shall be guilty of a Class A misdemeanor.

14 5. Except for property appurtenant to and obviously a
15 part of a single family residence, and except for instances
16 where notice is personally given to the owner or other
17 legally authorized person in control of the vehicle that
18 the area in which that vehicle is parked is reserved or
19 otherwise unavailable to unauthorized vehicles and they
20 are subject to being removed at the owner or operator's
21 expense, any property owner or lessor, prior to towing or
22 removing any vehicle from private property without the
23 consent of the owner or other legally authorized person in
24 control of that vehicle, must post a notice meeting the
25 following requirements:

26 a. The notice must be prominently placed at each
27 driveway access or curb cut allowing vehicular access
28 to the property within 5 feet from the public
29 right-of-way line. If there are no curbs or access
30 barriers, the sign must be posted not less than one
31 sign each 100 feet of lot frontage.

32 b. The notice must indicate clearly, in not less
33 than 2 inch high light-reflective letters on a
34 contrasting background, that unauthorized vehicles
35 will be towed away at the owner's expense.

36 c. The notice must also provide the name and

1 current telephone number of the towing service towing
2 or removing the vehicle.

3 d. The sign structure containing the required
4 notices must be permanently installed with the bottom
5 of the sign not less than 4 feet above ground level,
6 and must be continuously maintained on the property for
7 not less than 24 hours prior to the towing or removing
8 of any vehicle.

9 6. Any towing service that tows or removes vehicles and
10 proposes to require the owner, operator, or person in
11 control of the vehicle to pay the costs of towing and
12 storage prior to redemption of the vehicle must file and
13 keep on record with the local law enforcement agency a
14 complete copy of the current rates to be charged for such
15 services, and post at the storage site an identical rate
16 schedule and any written contracts with property owners,
17 lessors, or persons in control of property which authorize
18 them to remove vehicles as provided in this Section.

19 7. No person shall engage in the removal of vehicles
20 from private property as described in this Section without
21 filing a notice of intent in each community where he
22 intends to do such removal, and such notice shall be filed
23 at least 7 days before commencing such towing.

24 8. No removal of a vehicle from private property shall
25 be done except upon express written instructions of the
26 owners or persons in charge of the private property upon
27 which the vehicle is said to be trespassing.

28 9. Vehicle entry for the purpose of removal shall be
29 allowed with reasonable care on the part of the person or
30 firm towing the vehicle. Such person or firm shall be
31 liable for any damages occasioned to the vehicle if such
32 entry is not in accordance with the standards of reasonable
33 care.

34 10. When a vehicle has been towed or removed pursuant
35 to this Section, it must be released to its owner or
36 custodian within one half hour after requested, if such

1 request is made during business hours. Any vehicle owner or
2 custodian or agent shall have the right to inspect the
3 vehicle before accepting its return, and no release or
4 waiver of any kind which would release the towing service
5 from liability for damages incurred during the towing and
6 storage may be required from any vehicle owner or other
7 legally authorized person as a condition of release of the
8 vehicle. A detailed, signed receipt showing the legal name
9 of the towing service must be given to the person paying
10 towing or storage charges at the time of payment, whether
11 requested or not.

12 This Section shall not apply to law enforcement,
13 firefighting, rescue, ambulance, or other emergency vehicles
14 which are marked as such or to property owned by any
15 governmental entity.

16 When an authorized person improperly causes a motor vehicle
17 to be removed, such person shall be liable to the owner or
18 lessee of the vehicle for the cost or removal, transportation
19 and storage, any damages resulting from the removal,
20 transportation and storage, attorney's fee and court costs.

21 Any towing or storage charges accrued shall be payable by
22 the use of any major credit card, in addition to being payable
23 in cash.

24 11. Towing companies shall also provide insurance
25 coverage for areas where vehicles towed under the
26 provisions of this Chapter will be impounded or otherwise
27 stored, and shall adequately cover loss by fire, theft or
28 other risks.

29 Any person who fails to comply with the conditions and
30 restrictions of this subsection shall be guilty of a Class C
31 misdemeanor and shall be fined not less than \$100 nor more than
32 \$500.

33 (g) When a vehicle is determined to be a hazardous
34 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
35 Illinois Municipal Code, its removal and impoundment by a
36 towing service may be authorized by a law enforcement agency

1 with appropriate jurisdiction.

2 When a vehicle removal from either public or private
3 property is authorized by a law enforcement agency, the owner
4 of the vehicle shall be responsible for all towing and storage
5 charges.

6 Vehicles removed from public or private property and stored
7 by a commercial vehicle relocater or any other towing service
8 in compliance with this Section and Sections 4-201 and 4-202 of
9 this Code, or at the request of the vehicle owner or operator,
10 shall be subject to a possessor lien for services pursuant to
11 the Labor and Storage Lien (Small Amount) Act; however, the
12 provisions of that Act governing the maximum amount of such a
13 lien do not apply to any lien covered by this subsection. "~~An~~
14 ~~Act concerning liens for labor, services, skill or materials~~
15 ~~furnished upon or storage furnished for chattels", filed July~~
16 ~~24, 1941, as amended, and~~ The provisions of Section 1 of that
17 Act relating to notice and implied consent shall be deemed
18 satisfied by compliance with Section 18a-302 and subsection (6)
19 of Section 18a-300. In no event shall such lien be greater than
20 the rate or rates established in accordance with subsection (6)
21 of Section 18a-200 of this Code. In no event shall such lien be
22 increased or altered to reflect any charge for services or
23 materials rendered in addition to those authorized by this Act.
24 Every such lien shall be payable by use of any major credit
25 card, in addition to being payable in cash.

26 Any personal property in a vehicle subject to a lien under
27 this subsection (g) shall likewise be subject to that lien,
28 excepting only: food; medicine; perishable property; any
29 operator's licenses; any cash, credit cards, or checks or
30 checkbooks; and any wallet, purse, or other property containing
31 any operator's license or other identifying documents or
32 materials, cash, credit cards, checks, or checkbooks.

33 No lien under this subsection (g) shall exceed \$5,000 in
34 its total amount or be increased or altered to reflect any
35 charge for services or materials rendered in addition to those
36 authorized by this Act.

1 (Source: P.A. 90-738, eff. 1-1-99.)

2 (625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

3 Sec. 18a-200. General powers and duties of Commission. The
4 Commission shall:

5 (1) Regulate commercial vehicle relocators and their
6 employees or agents in accordance with this Chapter and to that
7 end may establish reasonable requirements with respect to
8 proper service and practices relating thereto;

9 (2) Require the maintenance of uniform systems of accounts,
10 records and the preservation thereof;

11 (3) Require that all drivers and other personnel used in
12 relocation be employees of a licensed relocator;

13 (4) Regulate equipment leasing to and by relocators;

14 (5) Adopt reasonable and proper rules covering the exercise
15 of powers conferred upon it by this Chapter, and reasonable
16 rules governing investigations, hearings and proceedings under
17 this Chapter;

18 (6) Set reasonable rates for the commercial towing or
19 removal of trespassing vehicles from private property. The
20 rates shall not exceed the mean average of the 5 highest rates
21 for police tows within the territory to which this Chapter
22 applies that are performed under Sections 4-201 and 4-214 of
23 this Code and that are of record at hearing; provided that the
24 Commission shall not re-calculate the maximum specified herein
25 if the order containing the previous calculation was entered
26 within one calendar year of the date on which the new order is
27 entered. Set reasonable rates for the storage, for periods in
28 excess of 24 hours, of the vehicles in connection with the
29 towing or removal; however, no relocator shall impose charges
30 for storage for the first 24 hours after towing or removal. Set
31 reasonable rates for other services provided by relocators,
32 including for the use of a credit card by the owner or operator
33 of a relocated vehicle ~~provided that the rates shall not be~~
34 ~~charged to the owner or operator of a relocated vehicle. Any~~
35 ~~fee charged by a relocator for the use of a credit card that is~~

1 ~~used to pay for any service rendered by the relocater shall be~~
2 ~~included in the total amount that shall not exceed the maximum~~
3 ~~reasonable rate established by the Commission.~~ The Commission
4 shall require a relocater to refund any amount charged in
5 excess of the reasonable rates ~~rate~~ established by the
6 Commission, ~~including any fee for the use of a credit card;~~

7 (7) Investigate and maintain current files of the criminal
8 records, if any, of all relocators and their employees and of
9 all applicants for relocater's license, operator's licenses
10 and dispatcher's licenses. If the Commission determines that an
11 applicant for a license issued under this Chapter will be
12 subjected to a criminal history records check, the applicant
13 shall submit his or her fingerprints to the Department of State
14 Police in the form and manner prescribed by the Department of
15 State Police. These fingerprints shall be checked against the
16 Department of State Police and Federal Bureau of Investigation
17 criminal history record information databases now and
18 hereafter filed. The Department of State Police shall charge
19 the applicant a fee for conducting the criminal history records
20 check, which shall be deposited in the State Police Services
21 Fund and shall not exceed the actual cost of the records check.
22 The Department of State Police shall furnish pursuant to
23 positive identification, records of conviction to the
24 Commission;

25 (8) Issue relocater's licenses, dispatcher's employment
26 permits, and operator's employment permits in accordance with
27 Article IV of this Chapter;

28 (9) Establish fitness standards for applicants seeking
29 relocater licensees and holders of relocater licenses;

30 (10) Upon verified complaint in writing by any person,
31 organization or body politic, or upon its own initiative may,
32 investigate whether any commercial vehicle relocater,
33 operator, dispatcher, or person otherwise required to comply
34 with any provision of this Chapter or any rule promulgated
35 hereunder, has failed to comply with any provision or rule;

36 (11) Whenever the Commission receives notice from the

1 Secretary of State that any domestic or foreign corporation
2 regulated under this Chapter has not paid a franchise tax,
3 license fee or penalty required under the Business Corporation
4 Act of 1983, institute proceedings for the revocation of the
5 license or right to engage in any business required under this
6 Chapter or the suspension thereof until such time as the
7 delinquent franchise tax, license fee or penalty is paid.

8 (Source: P.A. 93-418, eff. 1-1-04.)

9 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

10 Sec. 18a-300. Commercial vehicle relocators - Unlawful
11 practices. It shall be unlawful for any commercial vehicle
12 relocater:

13 (1) To operate in any county in which this Chapter is
14 applicable without a valid, current relocater's license as
15 provided in Article IV of this Chapter;

16 (2) To employ as an operator, or otherwise so use the
17 services of, any person who does not have at the commencement
18 of employment or service, or at any time during the course of
19 employment or service, a valid, current operator's employment
20 permit, or temporary operator's employment permit issued in
21 accordance with Sections 18a-403 or 18a-405 of this Chapter; or
22 to fail to notify the Commission, in writing, of any known
23 criminal conviction of any employee occurring at any time
24 before or during the course of employment or service;

25 (3) To employ as a dispatcher, or otherwise so use the
26 services of, any person who does not have at the commencement
27 of employment or service, or at any time during the course of
28 employment or service, a valid, current dispatcher's or
29 operator's employment permit or temporary dispatcher's or
30 operator's employment permit issued in accordance with
31 Sections 18a-403 or 18a-407 of this Chapter; or to fail to
32 notify the Commission, in writing, of any known criminal
33 conviction of any employee occurring at any time before or
34 during the course of employment or service;

35 (4) To operate upon the highways of this State any vehicle

1 used in connection with any commercial vehicle relocation
2 service unless:

3 (A) There is painted or firmly affixed to the vehicle
4 on both sides of the vehicle in a color or colors vividly
5 contrasting to the color of the vehicle the name, address
6 and telephone number of the relocater. The Commission shall
7 prescribe reasonable rules and regulations pertaining to
8 insignia to be painted or firmly affixed to vehicles and
9 shall waive the requirements of the address on any vehicle
10 in cases where the operator of a vehicle has painted or
11 otherwise firmly affixed to the vehicle a seal or trade
12 mark that clearly identifies the operator of the vehicle;
13 and

14 (B) There is carried in the power unit of the vehicle a
15 certified copy of the currently effective relocater's
16 license and operator's employment permit. Copies may be
17 photographed, photocopied, or reproduced or printed by any
18 other legible and durable process. Any person guilty of not
19 causing to be displayed a copy of his relocater's license
20 and operator's employment permit may in any hearing
21 concerning the violation be excused from the payment of the
22 penalty hereinafter provided upon a showing that the
23 license was issued by the Commission, but was subsequently
24 lost or destroyed;

25 (5) To operate upon the highways of this State any vehicle
26 used in connection with any commercial vehicle relocation
27 service that bears the name or address and telephone number of
28 any person or entity other than the relocater by which it is
29 owned or to which it is leased;

30 (6) To advertise in any newspaper, book, list, classified
31 directory or other publication unless there is contained in the
32 advertisement the license number of the relocater;

33 (7) To remove any vehicle from private property without
34 having first obtained the written authorization of the property
35 owner or other person in lawful possession or control of the
36 property, his authorized agent, or an authorized law

1 enforcement officer. The authorization may be on a contractual
2 basis covering a period of time or limited to a specific
3 removal;

4 (8) To charge the private property owner, who requested
5 that an unauthorized vehicle be removed from his property, with
6 the costs of removing the vehicle contrary to any terms that
7 may be a part of the contract between the property owner and
8 the commercial relocater. Nothing in this paragraph shall
9 prevent a relocater from assessing, collecting, or receiving
10 from the property owner, lessee, or their agents any fee
11 prescribed by the Commission;

12 (9) To remove a vehicle when the owner or operator of the
13 vehicle is present or arrives at the vehicle location at any
14 time prior to the completion of removal, and is willing and
15 able to remove the vehicle immediately;

16 (10) To remove any vehicle from property on which signs are
17 required and on which there are not posted appropriate signs
18 under Section 18a-302;

19 (11) To fail to notify law enforcement authorities in the
20 jurisdiction in which the trespassing vehicle was removed
21 within one hour of the removal. Notification shall include a
22 complete description of the vehicle, registration numbers if
23 possible, the locations from which and to which the vehicle was
24 removed, the time of removal, and any other information
25 required by regulation, statute or ordinance;

26 (12) To impose any charge other than in accordance with the
27 rates set by the Commission as provided in paragraph (6) of
28 Section 18a-200 of this Chapter;

29 (13) To fail, in the office or location at which relocated
30 vehicles are routinely returned to their owners, to prominently
31 post the name, address and telephone number of the nearest
32 office of the Commission to which inquiries or complaints may
33 be sent;

34 (13.1) To fail to distribute to each owner or operator of a
35 relocated vehicle, in written form as prescribed by Commission
36 rule or regulation, the relevant statutes, regulations and

1 ordinances governing commercial vehicle relocators, including,
2 in at least 12 point boldface type, the name, address and
3 telephone number of the nearest office of the Commission to
4 which inquiries or complaints may be sent;

5 (13.2) To fail, in a county with a population of more than
6 2,000,000, to make available to their owners or operators, 24
7 hours per day, 7 days per week, 52 weeks per year, relocated
8 vehicles.

9 (14) To remove any vehicle, otherwise in accordance with
10 this Chapter, more than 15 air miles from its location when
11 towed from a location in an unincorporated area of a county or
12 more than 10 air miles from its location when towed from any
13 other location;

14 (15) To fail to make a telephone number available to the
15 police department of any municipality in which a relocator
16 operates at which the relocator or an employee of the relocator
17 may be contacted at any time during the hours in which the
18 relocator is engaged in the towing of vehicles, or advertised
19 as engaged in the towing of vehicles, for the purpose of
20 effectuating the release of a towed vehicle; or to fail to
21 include the telephone number in any advertisement of the
22 relocator's services published or otherwise appearing on or
23 after the effective date of this amendatory Act; or to fail to
24 have an employee available at any time on the premises owned or
25 controlled by the relocator for the purposes of arranging for
26 the immediate release of the vehicle.

27 Apart from any other penalty or liability authorized under
28 this Act, if after a reasonable effort, the owner of the
29 vehicle is unable to make telephone contact with the relocator
30 for a period of one hour from his initial attempt during any
31 time period in which the relocator is required to respond at
32 the number, all fees for towing, storage, or otherwise are to
33 be waived. Proof of 3 attempted phone calls to the number
34 provided to the police department by an officer or employee of
35 the department on behalf of the vehicle owner within the space
36 of one hour, at least 2 of which are separated by 45 minutes,

1 shall be deemed sufficient proof of the owner's reasonable
2 effort to make contact with the vehicle relocater. Failure of
3 the relocater to respond to the phone calls is not a criminal
4 violation of this Chapter;

5 (16) To use equipment which the relocater does not own,
6 except in compliance with Section 18a-306 of this Chapter and
7 Commission regulations. No equipment can be leased to more than
8 one relocater at any time. Equipment leases shall be filed with
9 the Commission. If equipment is leased to one relocater, it
10 cannot thereafter be leased to another relocater until a
11 written cancellation of lease is properly filed with the
12 Commission;

13 (17) To use drivers or other personnel who are not
14 employees or contractors of the relocater;

15 (18) To fail to refund any amount charged in excess of the
16 reasonable rates ~~rate~~ established by the Commission;

17 (19) To violate any other provision of this Chapter, or of
18 Commission regulations or orders adopted under this Chapter.

19 (Source: P.A. 88-448.)

20 (625 ILCS 5/18a-402.1 new)

21 Sec. 18a-402.1. Relocator's licenses; expedited transfer
22 procedures.

23 (a) The Commission may provide for the transfer of a
24 license, without notice and hearing, and without the necessity
25 of making the findings provided for in Sections 18a-400 and
26 18a-401, when the transfer is to:

27 (1) a member or members of the transferor's immediate
28 family;

29 (2) a corporation, the stock of which is wholly owned
30 by the transferor or members of the transferor's immediate
31 family or a member or members of the transferor
32 partnership;

33 (3) a member or members of a partnership of which the
34 transferor is a partner;

35 (4) a stockholder or stockholders of the transferor

1 corporation or of a corporation wholly owned by the
2 transferor or the transferor's immediate family;

3 (5) the heirs of a person who dies intestate or the
4 legatees of a testator, upon order of the court having
5 jurisdiction;

6 (6) the heirs or legatees of the transferor under the
7 Probate Act of 1975;

8 (7) a corporation, more than 50% of the stock of which
9 is controlled by the stockholders of the transferor
10 corporation; or

11 (8) a corporation, all of the stock of which is
12 controlled by a member or members of the immediate family
13 of the stockholder or stockholders of the transferor
14 corporation.

15 (b) When a transfer of a license may be accomplished on an
16 expedited basis without notice and hearing through 2 or more
17 transactions of the type described in subsection (a), and they
18 do, in fact, represent a single, contemporaneous transaction,
19 then the Commission shall allow the transfer to be made as a
20 single transaction in a single application. It shall, however,
21 be the applicants' burden to demonstrate that the applicants
22 are entitled to this treatment of their application by setting
23 forth each of the individual qualifying transactions under
24 subsection (a) with the same detail and specificity as if each
25 individual application were filed.

26 (c) Upon the filing of an application for expedited
27 transfer under this Section, the Commission shall issue to the
28 proposed transferee a provisional license that shall remain
29 valid for 90 days. During that 90 days, the Commission shall
30 consider, with regard to the proposed transferee, the
31 following:

32 (1) the criminal conviction records of the applicant,
33 its owners or controllers, directors, officers, employees
34 and agents;

35 (2) the safety record of the applicant, its owners or
36 controllers, directors, officers, employees and agents;

1 (3) the compliance record of the applicant, its owners
2 or controllers, directors, officers, employees and agents;

3 (4) the equipment, facilities, and storage lots of the
4 applicant; and

5 (5) other facts which may bear on the fitness of the
6 applicant, its owners or controllers, directors, officers,
7 employees and agents to hold a relocater's license.

8 (d) The Commission shall issue a new relocater's license to
9 the proposed transferee if the Commission determines, after
10 completion of the investigation described in subsection (c),
11 that the proposed transferee is fit, willing, and able properly
12 to perform the proposed service and to conform to the law and
13 the rules and of the Commission. The license shall be deemed a
14 successor license bearing all of the obligations and
15 responsibilities of the original licensee under this Act.

16 (e) The Commission shall deny the expedited transfer
17 application if the the Commission determines, after completion
18 of the investigation, that the proposed transferee is not fit,
19 willing, and able properly to perform as described in
20 subsection (d).

21 (625 ILCS 5/18a-402 rep.) (from Ch. 95 1/2, par. 18a-402)

22 Section 10. The Illinois Vehicle Code is amended by
23 repealing Section 18a-402.

24 Section 15. The Labor and Storage Lien (Small Amount) Act
25 is amended by changing Section 1 as follows:

26 (770 ILCS 50/1) (from Ch. 82, par. 47a)

27 Sec. 1. Every person expending labor, services, skill or
28 material upon or furnishing storage for any chattel at the
29 request of or with the consent of its owner, authorized agent
30 of the owner, or lawful possessor thereof, in the amount of
31 \$2,000 or less except as provided in Section 4-203 of the
32 Illinois Vehicle Code, shall have a lien upon such chattel
33 beginning upon the date of commencement of such expenditure of

1 labor, services, skill, or materials or furnishing of storage,
2 for the contract price for all such expenditure of labor,
3 services, skill, or material, until the possession of such
4 chattel is voluntarily relinquished to such owner or authorized
5 agent, or to one entitled to the possession thereof.

6 For the purposes of this Act, a person, other than a driver
7 or a person otherwise in control of a fire, police, emergency
8 or public utility vehicle on official business, consents to
9 removal by towing of his or her vehicle when he or she without
10 authorization parks such vehicle upon private property while
11 having notice that unauthorized vehicles will be towed from
12 such property by the owner of such property, or agent thereof,
13 at the vehicle owner's expense, where such notice is provided
14 pursuant to State law, local ordinances or regulation by any
15 state or local agency. Such notice must include a sign of at
16 least 24 inches in height by 36 inches in width posted in a
17 conspicuous place in the affected area at least 4 feet from the
18 ground but not more than 8 feet from the ground. Such sign
19 shall be either illuminated or painted with reflective paint,
20 or both and shall state the amount of towing charges to which
21 the person may be subjected. However, the requirement of the
22 sign provided for in this section shall not apply to
23 residential property which, paying due regard to the
24 circumstances and the surrounding area, is clearly reserved or
25 intended exclusively for the use or occupation of residents or
26 their vehicles.

27 The lien established herein shall also apply to labor,
28 services, skills or material upon or furnishing storage for
29 towed vehicles performed by any relocater or any other towing
30 service pursuant to the order of a law enforcement official or
31 agency in accordance with Sections 4-201 through 4-214 of The
32 Illinois Vehicle Code. The lien created herein shall be valid
33 even though the towing and storage is performed without the
34 vehicle owner's consent.

35 (Source: P.A. 85-1283.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.